

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

United States of America,

Plaintiff,

V.

Shaffer Pharmacy, Inc., et al.,

Defendant.

Case No. 3:21-CV-00022

Hon. Jack Zouhary

DEFENDANTS' ANSWER WITH JURY DEMAND

Richard M. Kerger (0015864)
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*Counsel for Defendants
Shaffer Pharmacy, Inc. and Thomas
Tadsen*

Now come Defendants through the undersigned counsel and as their
Answer to the Complaint filed herein state as follows:

1. Admitted.
2. Denied.
3. Denied.
4. Denied.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted.

10. Admitted.

11. Admitted.

12. Admitted.

13. Admit the existence of the statute and further answering deny the other allegations contained in paragraph 13.

14. Admitted.

15. Admitted.

16. Admitted.

17. Admitted.

18. Admitted.

19. Admitted.

20. Admitted.

21. Admitted.

22. Admitted.

23. Admitted.

24. Admitted.

25. Admitted.

26. Admitted.

27. Admitted.

28. Admitted.

29. Admitted.

30. Admitted but defendant made the purchases alleged but denies there is any significance to the fact their purchasing volume exceeded Ohio state averages.

31. Denied.

32. Denied.

33. Admitted.

34. Denied.

35. Denied.

36. Denied.

37. Denied.

38. Admitted but denies the prescriptions were not for legitimate medical purposes.

39. Denied.

40. Denied.

41. Admitted.

42. Admitted.

43. Denied.

44. Denied.

45. Denied.

46. Admitted.

47. Denied.

48. Denied for want of knowledge of what “substance use disorder”.

49. Denied.

50. Denied.

51. Admitted.

52. Admitted.

53. Denied.

54. Denied.

55. Denied.

56. Admitted.

57. Denied.

58. Denied.

59. Denied.

60. Admitted.

61. Admitted.

62. Denied.

63. Denied.

64. Denied.

65. Admitted.

66. Denied.

67. Denied.

68. Denied.

69. Admitted.

70. Admitted.

71. Denied.

72. Denied.

73. Denied.

74. Admitted.

75. Admit that the combinations may be harmful and further answering
admit the balance of the paragraph.

76. Denied.

77. Admitted.

78. Admitted.

79. Denied.

80. Denied.

81. Denied.

82. Admitted.

83. Denied.

84. Denied.

85. Admitted.

86. Admitted.

87. Denied.

88. Denied.

89. Denied.

90. Denied.

91. Denied.

92. Denied.

93. Admitted.

94. Admitted.

95. Denied.

96. Denied.

97. Defendants incorporate by reference the statements contained in paragraphs 1 through 96 as if fully rewritten herein.

98. Denied.

99. Denied.

100. Denied.

101. Defendants incorporate by reference the statements contained in paragraphs 1 through 100 as if fully rewritten herein.

102. Denied.

103. Denied.

104. Denied.

FIRST AFFIRMATIVE DEFENSE

Defendants state Plaintiff's Complaint fails to set forth claims upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Defendants at all times and after reasonable verification, relied on the prescription provided by legitimate physicians engaged in pain management.

THIRD AFFIRMATIVE DEFENSE

Defendants at all times provided appropriate care for their patients which required Defendants to fill out prescriptions which were out of the normal practice in order to provide pain relief for their patients.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the Statute of Limitations.

JURY DEMAND

Now comes Defendant through the undersigned counsel and prays for a trial by jury of all issues so properly tried.

Respectfully submitted,

/s/ Richard M. Kerger
Counsel for Defendants,
Shaffer Pharmacy, Inc. and Thomas Tadsen

/s/ Charles M. Boss
Counsel for Defendant
Wilson Bunton

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been electronically filed this 9th day of March, 2021. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's System.

/s/ Richard M. Kerger